

**Introduced by Senator Burton**August 24, 2004

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Senate Resolution No. 44—Relative to administration of justice.

- 1 WHEREAS, Since legislation was enacted in 2000 that allows  
2 convicted persons to obtain postconviction DNA testing in  
3 California, a number of people have been exonerated and released  
4 from prison after serving several years in prison, and more than  
5 100 Americans sentenced to death have subsequently been  
6 exonerated and freed from death row based on DNA testing; and  
7 WHEREAS, Thorough, unbiased study and review in other  
8 states has resulted in recommendations for significant reforms to  
9 the criminal justice system in order to avoid wrongful convictions  
10 and executions, and California has not engaged in any such review  
11 of the state's criminal justice system; now, therefore, be it  
12 *Resolved by the Senate of the State of California*, That the  
13 Members hereby establish the California Commission on the Fair  
14 Administration of Justice; and be it further  
15 *Resolved*, That the commission shall have the following duties:  
16 (1) To study and review the administration of criminal justice  
17 in California to determine the extent to which that process has  
18 failed in the past, resulting in wrongful executions or the wrongful  
19 conviction of innocent persons.  
20 (2) To examine ways of providing safeguards and making  
21 improvements in the way the criminal justice system functions.  
22 (3) To make any recommendations and proposals designed to  
23 further ensure that the application and administration of criminal  
24 justice in California is just, fair, and accurate; and be it further



1     *Resolved*, That the commission shall consist of members to be  
2 appointed by the Senate Committee on Rules, which shall also  
3 designate the chair. The commission shall meet regularly, establish  
4 a staff, hold public hearings, review existing research, commission  
5 new research, and solicit public comments from scholars, judges,  
6 prosecutors, law enforcement, private defense lawyers, public  
7 defenders, elected officials, victims' organizations, authorities in  
8 the criminal justice system, and members of the public; and be it  
9 further

10    *Resolved*, That the members of the commission shall not receive  
11 compensation, but shall be reimbursed for necessary travel  
12 expenses for the purpose of attending meetings of the commission,  
13 including such public meetings as the commission shall schedule,  
14 and the commission shall be funded by private sources; and be it  
15 further

16    *Resolved*, That the commission shall meet and make  
17 recommendations to the Legislature and Governor no later than  
18 December 31, 2007, on recommendations on the administration of  
19 justice, addressing the matters set forth herein.

